

## Office of the Secretary of Transportation

## § 1.38

Secretary and Deputy Secretary on Department-wide administrative matters. The Assistant Secretary for Administration serves as the Designated Agency Safety and Health Official. The Office of the Assistant Secretary for Administration's responsibilities include: strategic management of human capital; monitoring the progress of departmental offices related to sustainability goals; controls and standards to ensure that procurement and financial assistance programs are in accord with good business practice; follow-up and resolution of Government Accountability Office and Inspector General audit reviews; information resource management; property management information; facilities; and security. The Assistant Secretary for Administration is responsible for recommending performance objectives for the Operating Administrations' Directors of Human Resources.

### § 1.38 Delegations to the Assistant Secretary for Administration.

The Assistant Secretary for Administration is delegated authority for the following:

- (a) *Acquisition.* (1) Exercise procurement authority with respect to requirements of the Office of the Secretary.
- (2) Make the required determinations with respect to mistakes in bids relative to sales of personal property conducted by the Office of the Secretary without power of redelegation.
- (3) Carry out the functions vested in the Secretary by sections 3 and 4(b) (as appropriate) of Executive Order 11912 (energy conservation).
- (4) Carry out the functions delegated to the Secretary from time to time by the Administrator of General Services to lease real property for Department use.
- (5) Carry out the duties and responsibilities of agency head for departmental procurement within the meaning of the Federal Acquisition Regulation. This authority as agency head for departmental procurement excludes duties, responsibilities, and powers expressly reserved for the Secretary of Transportation.
- (6) Serve as Deputy Chief Acquisition Officer.

(7) Provide departmental guidance on grants, cooperative agreements, loans, and other transactions.

(b) *Personnel.* (1) Conduct a personnel management program for the Office of the Secretary of Transportation, with authority to take, direct others to take, recommend or approve any personnel action with respect to such authority.

(2) Serve as Vice Chairman of the Departmental Executive Resources Board.

(3) Exercise emergency authority to hire without the prior approval of the Deputy Secretary normally required by departmental procedures implementing general employment limitations when in the judgment of the Assistant Secretary immediate action is necessary to effect the hire and avoid the loss of a well-qualified job applicant, and for similar reasons.

(4) Review proposals of the Office of the Secretary for each new appointment or transfer to verify the essentiality of the position.

(5) Approve employment of experts and consultants in accordance with 5 U.S.C. 3109.

(6) Provide policy and overall direction in the execution of the DOT Labor-Management Relations Program, including issuing final interpretations for the Department and its Operating Administrations on matters arising under section 7117 of title VII of the Civil Service Reform Act of 1978.

(7) Develop and operate the Federal Employee Workplace Drug and Alcohol Testing Program in accordance with Executive Order 12564 and The Omnibus Transportation Employee Testing Act of 1991, Public Law 102-143, Title V.

(8) Serve as the Chief Human Capital Officer:

(i) Oversee, direct, and execute all authorities included in the Chief Human Capital Officers Act of 2002 (5 U.S.C. 1401 *et seq.*); and

(ii) Advise the Secretary on the Department's human capital needs and obligations, and to implement all related rules and regulations of the President and the Office of Personnel Management, and all laws government human resource management as delineated in the Federal Workforce Improvement Act of 2002.

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(c) *Sustainability*. Responsible for ensuring that the Department meets its sustainability goals pursuant to the Energy Independence and Security Act (EISA) of 2007 (Pub. L. 110-140); the Energy Policy Act of 2005 (Pub. L. 109-58); E.O. 13514 (Federal Leadership in Environmental, Energy, and Economic Performance); and E.O. 14323 (Strengthening Federal Environmental, Energy, and Transportation Management).

(d) *Finance*. (1) Administer the financial and fiscal affairs of the Office of the Secretary (other than those for which the Assistant Secretary for Budget and Programs and CFO is responsible), in accordance with 31 U.S.C. 3512.

(2) Settle and pay claims by employees of the Office of the Secretary for personal property losses, as provided by 31 U.S.C. 241(b).

(3) Waive claims and make refunds in connection with claims of the United States for erroneous Working Capital Fund (WCF) payments of pay and allowances or of travel, transportation, and relocation expenses and allowances to a WCF employee of the Office of the Secretary in amounts aggregating not more than \$1,500 without regard to any repayments, and deny requests for waiver of such claims regardless of the aggregate amount of the claim, as provided by 4 CFR parts 91, 92, and 93. This authority may be redelegated only to the Director of Financial Management.

(4) Compromise, suspend collection action on, or terminate claims of the United States not exceeding \$100,000 (excluding interest) which are referred to, or arise out of the activities of, the Working Capital Fund.

(5) Oversee the Working Capital Fund for the Office of the Secretary, established by 49 U.S.C. 327.

(6) Oversee a mass transportation and vanpool transportation fringe benefit program under Executive Order 13150.

(e) *Special funds*. Except as otherwise delegated, establish or operate, or both, such special funds as may be required by statute or by administrative determination. This excludes the Working Capital Fund (49 U.S.C. 327).

(f) *Security*. (1) Serves as the agency representative appointed by the Secretary of Transportation to participate on the Interagency Security Com-

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mittee in accordance with Executive Order 12977, to establish policies for the security in and protection of Federal facilities.

(2) Represents the department on the White House Communications Agency Principal Communications Working Group and the Department of State Overseas Security Policy Board.

(3) Conducts an internal security management program for the Department of Transportation with authority to take, direct others to take, recommend, or approve security actions with respect to such authorities related to personnel security, physical security, technical security, and classified and sensitive information management.

(4) Issues identification media as directed by Homeland Security Presidential Directive 12, "Policy for Common Identification Standard for Federal Employees and Contractors" and other identification media (including credentials, passports and visas) by direction of the Secretary.

(5) Manages the Department's classified information program as directed by Executive Order 13526, "Classified National Security Information."

(6) Takes certain classified actions on behalf of the Department in connection with technical counter-surveillance programs as required by Executive Order 13526, "Classified National Security Information."

(7) In conjunction with the Office of Security, Intelligence and Emergency Response, and the Office of the General Counsel, carries out the functions vested in the Secretary by 49 U.S.C. 40119(b), as implemented by 49 CFR part 15, related to the protection of information designated as Sensitive Security Information.

(8) Ensure Department-wide compliance with Executive Orders 12968 as amended, 13467, 13488, 13526, 13556, and related regulations and issuances.

(g) *Printing*. (1) Request approval of the Joint Committee on Printing, Congress of the United States, for any procurement or other action requiring Committee approval.

(2) Certify the necessity for departmental periodicals and request approval of the Director of the Office of

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Management and Budget (OMB Circular No. A-3 Revised as of Sept. 8, 1960).

(h) *Building management.* Carry out the functions vested in the Secretary by sections 1(c) and 4(b) (as appropriate) of Executive Order 11912 (energy conservation).

(i) *Hearings.* Provide logistical and administrative support to the Department's Office of Hearings.

(j) *Federal real property management.* Carry out the functions assigned to the Secretary with respect to Executive Order 13327, as amended.

(k) *The Uniform Act.* Carry out the functions, powers, and duties of the Secretary to implement the Uniform Act (42 U.S.C. Chapter 61) with respect to programs administered by the Office of the Secretary. This authority is subject to the requirements listed in § 1.81 that govern all Operating Administrations' authority with respect to the Uniform Act.

(l) *Regulations.* Issue Departmental procurement regulations, subject to coordination with the General Counsel and interested Operating Administrations. In commenting upon proposed provisions for the procurement regulations, the Operating Administrations will indicate the nature and purpose of any additional implementing or supplementing policy guidance which they propose to issue at the Operating Administration level.

(m) *Designated Agency Safety and Health Official.* Serve as the Designated Agency Safety and Health Official under 29 CFR 1960.6(a) to represent the interest of, and support, the Department's occupational safety and health program.

(n) *Senior Real Property Officer.* Serve as the Senior Real Property Officer for the Department pursuant to Executive Order 13327, Federal Real Property Asset Management (as amended), and chair the Departmental Real Property Planning Council.

(o) *Telework Managing Officer.* Serve as the Telework Managing Officer pursuant to 5 U.S.C. 6505.

### § 1.38a Redelegations by the Assistant Secretary for Administration.

(a) The Director, Office of the Senior Procurement Executive is redelegated the authority to:

(1) Carry out the duties and responsibilities of agency head for departmental procurement within the meaning of the Federal Acquisition Regulation except for those duties expressly reserved for the Secretary of Transportation.

(2) Carry out the functions of the Chief Acquisition Officer (CAO) except for those functions specifically reserved for the Deputy Secretary. In carrying out these functions and in support of requirements under Services Acquisition Reform Act (SARA), enacted as part of the National Defense Authorization Act for 2004—Public Law 108-136, the Senior Procurement Executive (SPE) is expected to interact directly, and without intervening authority, with the CAO on issues related to strategic acquisition policy, implementation, and management. The nature and frequency of interactions with the CAO will be determined mutually between the SPE and the CAO.

(3) Procure and authorize payment for property and services for the Office of the Secretary, with power to re-delegate and authorize successive re-delegations.

(b) The Director of Human Resources Management is redelegated the authority to:

(1) Develop and oversee human resource policies for the Department of Transportation, including concurrence in the appointment and promotion of all HR Directors in each Operating Administration and participation with each Administrator in the performance reviews of HR Directors.

(2) Conduct a personnel management program for the Office of the Secretary with authority to take, direct others to take, recommend or approve any personnel action with respect to such authority.

(3) Develop, coordinate, and issue wage schedules for Department employees under the Federal Wage System.

(c) The Director of Financial Management is redelegated the authority to: